

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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ANDREW NICCADEMOUS TYLER,

Petitioner,

v.

**ORDER**

Civil File No. 05-763 (MJD/RLE)

ACTING WARDEN J. F. CARAWAY,

Respondent.

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Andrew Niccademous Tyler, pro se.

Lisa D. Kirkpatrick, Assistant United States Attorney, Counsel for Respondent.

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The above-entitled matter comes before the Court upon the Report and Recommendation of Chief United States Magistrate Judge Raymond L. Erickson dated January 20, 2006. Respondent Acting Warden J. F. Caraway filed objections to the Report and Recommendation, and Petitioner Andrew Niccademous Tyler filed objections and a motion to proceed pro se.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.1(c). Based on that review the Court adopts the Report and Recommendation dated January 20, 2006. The Court also concludes that Tyler is entitled to a timely reconsideration of the

Bureau of Prison's decision and directs Respondent to file its decision within twenty-one days of the date of this Order. Furthermore, the Court grants Tyler's request to proceed pro se in this matter.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Magistrate Judge's Report and Recommendation dated January 20, 2006, [Docket No. 19] is hereby **ADOPTED**.
2. The Petition for a Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2241 [Docket No. 1] is **GRANTED**.
3. Respondent is directed to reconsider the date when Petitioner should be assigned to a Community Corrections Center, in light of the criteria set forth in 18 U.S.C. § 3621(b) and without regard to 28 C.F.R. §§ 570.20 and .21. Respondent's decision shall be filed with the Court within twenty-one days of the date of this Order.
4. Petitioner's Motion to Proceed Pro Se [Docket No. 21] is **GRANTED**.

Dated: February 27, 2006

s / Michael J. Davis  
Judge Michael J. Davis  
United States District Court